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## Fifth Committee

**Summary record of the 32nd meeting**
Held at Headquarters, New York, on Friday, 16 March 2018, at 10 a.m.

*Chair*: Mr. Tommo Monthe ..... (Cameroon)
*Chair of the Advisory Committee on Administrative and Budgetary Questions*: Mr. Ruiz Massieu

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*The meeting was called to order at 10.10 a.m.*

**Agenda item 136: Programme budget for the biennium 2018–2019** (*continued*) (A/72/7/Add.45 and A/72/720)

*Update on the proposed regional restructuring of the Office of the United Nations High Commissioner for Human Rights*

1. **Ms. Bartsiotas** (Controller), introducing the report of the Secretary-General containing updated information on the proposed regional restructuring of the Office of the United Nations High Commissioner for Human Rights (OHCHR) (A/72/720), recalled that that update report had been issued as part of the Secretary-General's initiative to facilitate the General Assembly's consideration of the proposal contained in the Secretary-General's previous report on the matter (A/71/218) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/71/584). Given that a number of suggestions and recommendations by Member States on the original proposal had been shared with the Committee in supplementary information at the main part of the seventy-first and seventy-second sessions, various delegations had noted that a consolidated update of the proposal would help move their discussions forward. In addition, since the proposal now fell under the programme budget for the biennium 2018–2019, an update of the financial parameters had been deemed useful. Like the proposal in the Secretary-General's previous report (A/71/218), the updated proposal was designed to redistribute resources from OHCHR headquarters in Geneva to the regional offices. It was modest and resource-neutral, and the Secretary-General and the High Commissioner were convinced that bringing the Office's technical cooperation resources closer to its regional and national partners would increase its capacity to help Member States honour their human rights commitments.

2. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/72/7/Add.45), said that, because the previous reports of the Secretary-General (A/71/218) and the Advisory Committee (A/71/584) remained before the General Assembly for consideration, the Advisory Committee in its latest report had limited itself to making general observations, without expressing a formal view on the Secretary-General's update report (A/72/720). Strengthening the OHCHR field presence was the basic premise of that report, as had been the case with the original proposal, but the Advisory Committee had noted in its latest report that further clarifications regarding various matters were needed. The proposal contained in the update report would have resource implications under the programme budget for the biennium 2018–2019. Moreover, the submission of the update report raised procedural questions. For example, as the General Assembly had not taken a specific decision requesting the preparation of another report on the matter, there was a question as to whether the report had been submitted under the Secretary-General's own authority.

3. **Ms. King** (Saint Vincent and the Grenadines), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM recognized that the promotion of human rights was an essential purpose and guiding principle of the United Nations, and that the role of OHCHR was therefore significant. The Organization's approach to human rights must be balanced and based on intergovernmentally agreed principles, including universality, indivisibility, transparency and non-discrimination. The Community supported initiatives to help OHCHR work on the basis of General Assembly resolution 48/141, including by improving the efficiency and effectiveness of the United Nations human rights machinery, and attached particular importance to the proposed establishment of a regional office in Bridgetown, which would benefit 17 Member States in North America and the Caribbean. CARICOM supported the recommendation made by the Advisory Committee in its previous report on the matter (A/71/584) that the establishment of the regional office should be considered. Given the objectives of the proposed restructuring, the allocation of resources to the regional office must be commensurate with operational realities, including the anticipated workload. The field-centred restructuring would strengthen dialogue and collaboration between Member States and OHCHR, particularly for the achievement of the Sustainable Development Goals. The Community was encouraged by the support of the Government of Barbados for the proposed regional office.

4. **Ms. Vasquez** (Chile), speaking also on behalf of Argentina, Costa Rica, Guatemala, Panama, Paraguay, Mexico and Uruguay, said that the promotion of human rights was a cross-cutting ethical and foreign-policy imperative for those delegations, whose historical sensitivity to the issue made them aware of the importance of strengthening international cooperation and regional integration. They believed that other delegations shared their commitment to exchanging experiences, which resulted in more united, resilient societies that upheld fundamental rights. The proposed restructuring would optimize the use of the resources of

OHCHR and bring the United Nations closer to the field, in line with the Secretary-General's reform proposals. Only by making local situations visible could regional and intraregional situations be understood, and the proposed restructuring was intended to strengthen OHCHR at the regional level and improve technical cooperation and capacity-building in the field to assist Member States. The proposal was designed to make better use of the 3.5 per cent of the regular budget allocated to the human rights pillar. The Committee played an essential role in ensuring that the Organization's resources were used predictably, flexibly and efficiently to fulfil mandates.

5. **Mr. De Preter** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova and Ukraine, said that, at the seventy-first session of the General Assembly, the States members of the European Union had welcomed the Secretary-General's report on the proposed regional restructuring of OHCHR (A/71/218), which had been submitted in response to the request in the first report of the Advisory Committee on the proposed programme budget for the biennium 2016-2017 (A/70/7) for the Secretary-General to present a clearer and more detailed proposal than that contained in section 24, Human rights, of the proposed programme budget for that biennium (A/70/6 (Sect. 24)).

6. The Secretary-General's update report (A/72/720) contained all the recommendations made by the Advisory Committee in 2015 and 2016 and the views of many Member States from various regions. Additional consultations had been held, including with potential host countries, and the update report addressed all the concerns raised by the Advisory Committee and by delegations. The Fifth Committee should take action in response to the emerging consensus on the matter. The proposal would improve the efficiency and effectiveness of OHCHR and, since it would not change the Office's functions, programmes or mandates, was of a purely managerial and budgetary nature. It would result in no additional layers of supervision. The regional offices should be headed at the D-1 level. He welcomed the cost-neutrality of the restructuring and looked forward to quick agreement on the proposal to strengthen the field presence of OHCHR.

7. **Ms. Baumann** (Switzerland), speaking also on behalf of Liechtenstein, said that the two delegations welcomed the update report, which would facilitate the Committee's consideration of the proposed regional restructuring of OHCHR. The promotion of human rights was a fundamental principle and essential objective of the United Nations. Strengthening the human rights pillar, which underpinned the peace and security and sustainable development pillars, reinforced the entire Organization. In order to become more efficient, the Office must not only receive the resources needed to fulfil its mandates but also be restructured in line with current requirements so that it functioned better. The two delegations supported the High Commissioner's efforts to involve OHCHR in strategic policy discussions at the United Nations and make it more effective in the field. A strong OHCHR headquarters with a network of well-resourced regional offices was the best way of promoting human rights. The proposed restructuring would bring the United Nations closer to the field and help it meet the increasing demands of Member States.

8. **Mr. Vachon** (Canada), speaking also on behalf of Australia and New Zealand, said that, under the proposal, the technical cooperation between OHCHR and the Member States would improve, the existing regional offices would be strengthened, the status of the Subregional Centre for Human Rights and Democracy in Central Africa in Yaoundé would be regularized and a regional office would be established in the Caribbean. Staff would be able to use the limited available resources to travel within regions and subregions, particularly in the South Pacific, Africa and the Americas, rather than to and from OHCHR headquarters. Better dialogue with Governments would make the Organization more responsive to Member States' needs in relation to the Sustainable Development Goals. The proposal would enhance the efficiency and effectiveness of United Nations operations in a cost-neutral fashion; the Committee should commend the Secretary-General's responsiveness to delegations' concerns and approve the proposal by consensus. Delegations that wished to raise political considerations related to the Office's mandate should do so in more appropriate forums than the Fifth Committee. The proposal was intended to make the best possible use of the resources available for development assistance.

9. **Ms. Norman-Chalet** (United States of America) said that the ability of OHCHR to fulfil its mandates should be improved in a cost-effective fashion, and the proposed restructuring was an opportunity for Member States to support the Secretary-General's system-wide reforms, including the enhancement of field support. The proposal would bring the Office closer to the point at which its services were provided, partly through the redeployment of 21 posts from OHCHR headquarters to the regional offices, and would help it provide technical support to its stakeholders. The desired improvements

in the Office's organizational performance would be achieved in a cost-neutral manner. OHCHR had begun the reform exercise several years previously by thoroughly reviewing its operations, and the resulting evidence-based proposal would help it carry out its mandate and ensure that the United Nations continued its work in human rights.

**Agenda item 148: Financing of the International Residual Mechanism for Criminal Tribunals** (*continued*) (A/72/734 and A/72/785)

*Construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch*

10. **Mr. Elias** (Registrar of the International Residual Mechanism for Criminal Tribunals), speaking via video link from Geneva to introduce the Secretary-General's report on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch (A/72/734), said that work had started in 2012 on land donated by the host State, the United Republic of Tanzania. Following substantial completion on 1 December 2016, staff had moved in on 5 December 2016. The office building had been fully occupied ever since, while the courtroom building was fully functional and prepared for judicial proceedings.

11. Since the recruitment of a project manager, the final works had progressed expeditiously, following protracted negotiations with the contractor, and their completion was planned by the end of April 2018. The Mechanism's assessment that 75 per cent of the repairs in the punch list developed by the project team had been completed would be confirmed during the final inspection by the architect in April 2018, as required under the contract. During the occupancy of the facility, the project team had recorded design deficiencies, particularly in the heating, ventilation and air conditioning of the archives building, where the air quality, temperature control and relative humidity standards required by the Mechanism were not met. The solution would probably entail the replacement of some heating, ventilation and air conditioning equipment. Following negotiations, the architect had agreed to rectify the design at no additional cost to the United Nations, and had provided the most significant schematic drawings on which the remedial work would be based. An initial assessment indicated that the available project funds would be sufficient to remedy the problems. Any additional costs resulting from remediation work would be recouped from the architect and the contractor. The corrective works would be completed in September 2018, after which the project would be considered closed.

12. Despite the delays, the project remained within the approved budget of $8.8 million, including the contingency provision, which had a projected balance of $416,981. Any unused contingency funds would be returned to Member States on completion of the project. The Office of Internal Oversight Services had recently concluded its third audit of the project, which had covered the immediate post-construction phase. He was grateful to the host State, the United Republic of Tanzania; the Office of Central Support Services, the Office of Legal Affairs and other Secretariat departments; and the staff of the Mechanism, who had been assisted by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 until the closure of the Tribunal. The final progress report would contain information on the outstanding project items. The General Assembly was requested to take note of the progress of the project.

13. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/72/785), said that the Advisory Committee requested the Secretary-General to provide in his final progress report comprehensive information on the heating, ventilation and air conditioning design defects; details of the solutions implemented, the remediation works, the financial implications and the related delays; and details of the contractual remedies exercised, the expenditures incurred under the contingency provision and the costs recouped from the architect and the contractor. The United Nations should not be responsible for paying any direct or indirect costs resulting from design defects or delays. Proactive, sustained ownership, management and oversight were essential in all project phases and at all levels, including at Headquarters and at the local level. The Advisory Committee trusted that the Secretariat would closely monitor the progress of the repairs in the punch list and ensure that the remaining rectifications were fully completed within the revised time frames and approved resources.

14. **Mr. Alsayed** (Egypt), speaking on behalf of the Group of 77 and China, said that the Group expressed its appreciation for the Secretary-General's efforts to ensure that the construction of the new facility, which would greatly help the Mechanism's work, was completed in a timely fashion. The Group welcomed the report and looked forward to receiving comprehensive information on the use of the courtroom in the Secretary-General's final progress report. The Group reiterated its appreciation for the support of the

Government of the United Republic of Tanzania for the project, the Tribunal and the Mechanism. The Advisory Committee estimated that 65 per cent of the 880 repairs in the punch list had been completed, and the Group therefore looked forward to an update on the correction of the remaining defects. The Group agreed that the architect should be responsible for redesigning the heating, ventilation and air conditioning system in the archives building at no additional cost to the United Nations. The Group would seek further information regarding the rectification of the outstanding defects in a timely, cost-effective manner. The project team should closely monitor progress and ensure that the remaining rectifications were completed without further delay within the revised time frames and approved resources, and that the final progress report was submitted to the Assembly at its seventy-third session.

15. **Mr. Mero** (United Republic of Tanzania) said that the necessary funding must be provided to make the repairs included in the punch list. At the main part of the current session, the General Assembly had approved a commitment authority of $87.8 million for the maintenance of the Mechanism pending the submission of a revised budget proposal for the biennium 2018–2019. The revised proposal, however, was not before the Committee at the current part of the resumed session, and his delegation was concerned that the delay in the adoption of the budget had resulted in uncertainty about the financing of the Mechanism, hindered the fulfilment of the mandate and could bring operations to a complete halt. The Secretary-General should submit a revised budget proposal at the second part of the current resumed session.

*The meeting rose at 11 a.m.*